United Nations S/2012/327

Security Council

Distr.: General
17 May 2012

Original: English

United States of America: draft resolution

The Security Council,

Recalling its previous resolutions and its presidential statements on the situation in Sudan and South Sudan, and in particular, resolutions 1990 (2011), 2024 (2011), 2032 (2011) and 2046 (2012),

Reaffirming its strong commitment to the sovereignty, independence, unity, and territorial integrity of Sudan and South Sudan, and to the purposes and the principles of the United Nations Charter,

Reiterating that the territorial boundaries of states shall not be altered by force, and that any territorial disputes shall be settled exclusively by peaceful means,

Affirming the priority it attaches to the full and urgent implementation of all outstanding issues from the Comprehensive Peace Agreement,

Reaffirming its previous resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflict, 1612 (2005), 1882 (2009), 1998 (2011) on children and armed conflict, 1502 (2003) on the protection of humanitarian and United Nations personnel, and 1325 (2000), 1820 (2008), 1888 (2009), and 1889 (2009) and 1960 (2010) on women peace and security,

Recalling the commitments made by the Government of Sudan and the Government of South Sudan in the 20 June 2011 Agreement between the Government of Sudan and the Sudan People's Liberation Movement on Temporary Arrangements for the Administration and Security of the Abyei Area, the 29 June 2011 Agreement Between the Government of the Sudan and the Government of Southern Sudan on Border Security and the Joint Political and Security Mechanism, and the 30 July 2011 Agreement on the Border Monitoring Support Mission Between the Government of Sudan and the Government of South Sudan,

Expressing its full support for the 24 April 2012 decision of the Peace and Security Council of the African Union at its 319th meeting on the situation between the Republic of Sudan and the Republic of South Sudan, in order to ease the current tension, facilitate the resumption of negotiations on post-secession relations and the normalization of their relations, including, in particular the Roadmap outlined in that decision,

Stressing that both countries will have much to gain if they show restraint and choose the path of dialogue instead of resorting to violence or provocations,

Please recycle

Commending the continued assistance provided to the parties by the AU High-level Implementation Panel, including its Chairman President Thabo Mbeki, former Presidents Abdulsalami Abubakar and Pierre Buyoya, the Chairperson of the Intergovernmental Authority on Development, Ethiopian Prime Minister Meles Zenawi, the Special Envoy of the Secretary-General for Sudan and South Sudan, Haile Menkerios, and the United Nations Interim Security Force for Abyei (UNISFA) under the leadership of Lieutenant General Tesfay Tadesse,

Commending the efforts of UNISFA in carrying out its mandate, and *expressing* its deep appreciation for the work of the troop contributing countries,

Bearing in mind the importance of coherence of United Nations assistance in the region,

Welcoming and encouraging efforts by the United Nations to sensitize peacekeeping personnel in the prevention and control of HIV/AIDS and other communicable diseases in all of its peacekeeping operations,

Deeply concerned by all acts of violence committed in the Abyei Area against civilians in violation of international humanitarian law and human rights law including the killing and displacement of significant numbers of civilians,

Stressing the need for effective human rights monitoring, and expressing concern at the lack of cooperation by the parties with the Secretary-General to this end,

Stressing the urgency of facilitating the delivery of humanitarian assistance to all affected communities in the Abyei area,

Affirming the importance of voluntary, safe, orderly return and sustainable reintegration of displaced persons, and of safe and cooperative migration seasons,

Stressing that the presence of military and police personnel in violation of the 20 June 2011 Agreement and resolution 2046 poses a threat to the safe migration of Misseriya nomads and the return of Ngok Dinka displaced persons to their homes, and prevents UNISFA from implementing fully its mandate,

Deeply concerned by delays in the establishment of the Abyei Area Administration,

Noting the lack of progress in establishing the Abyei Police Service, including a special unit to deal with particular issues related to nomadic migration,

Deeply concerned with the continued presence of landmines in the Abyei Area, which hinders the safe return of displaced persons to their homes and safe migration,

Expressing its determination that the future status of Abyei shall be resolved by negotiations between the parties in a manner consistent with the CPA and not by the unilateral actions of either party, and *calling upon* all parties to engage constructively in negotiations towards the final agreement on the status of Abyei,

Recognizing that the current situation in Abyei and along the border between Sudan and South Sudan constitutes a serious threat to international peace and security,

1. *Decides* to extend, for a period of 6 months, the mandate of the United Nations Interim Security Force for Abyei (UNISFA) as set out in paragraph 2 of resolution 1990 (2011) and modified by resolution 2024 (2011), and acting under Chapter VII of the Charter of the United Nations, the tasks set out in paragraph 3 of resolution 1990;

2. *Welcomes* the redeployment of South Sudanese military and police personnel from the Abyei Area in compliance with resolution 2046, and demands that the Government of Sudan redeploy all remaining military and police personnel from the Abyei Area immediately and without preconditions, and reiterates, in accordance with relevant resolutions, in particular resolution 1990 and resolution 2046, that the Abyei Area shall be demilitarized from any forces other than UNISFA and the Abyei Police Service;

3. *Demands* that Sudan and South Sudan urgently finalize the establishment of the Abyei Area Administration, including by resolving the deadlock over senior appointments, and constitute the Abyei Police Service, in accordance with their commitments in the 20 June 2011 Agreement;

4. *Urges* Sudan and South Sudan to make regular use of the Abyei Joint Oversight Committee to ensure steady progress on the implementation of the 20 June 2011 Agreement;

5. *Reiterates* its decisions in resolution 2046 that Sudan and South Sudan shall unconditionally withdraw all of their armed forces to their side of the border in accordance with previously adopted Agreements, and activate the necessary border security mechanisms namely the Joint Border Verification and Monitoring Mechanism and the Safe Demilitarized Border Zone (SDBZ), in accordance with the administrative and security map presented to the Parties by the AUHIP in November 2011, it being understood that this map in no way prejudices ongoing negotiations on the disputed areas and demarcation of the border, and to activate the ad hoc Committee, under the Joint Political and Security Mechanism;

6. *Welcomes* the Secretary-General's efforts to assist the parties in the immediate establishment of a temporary JBVMM headquarters;

7. *Expresses* its intention to review the mandate of UNISFA after a period of 4 months for possible reconfiguration of the mission in light of the compliance by Sudan and South Sudan with the decisions set forth in resolution 2046 and their commitments as set forth in the Agreements of 20 June, 29 June and 30 July 2011, including the redeployment of all forces from the Safe Demilitarized Border Zone, achieving full operational capability for the Joint Border Verification and Monitoring Mechanism, and completing the full demilitarization of the Abyei Area;

8. *Calls on* all Member States, in particular Sudan and South Sudan, to ensure the free, unhindered and expeditious movement to and from Abyei and throughout the Safe Demilitarized Border Zone of all personnel, as well as equipment, provisions, supplies and other goods, including vehicles, aircraft, and spare parts, which are for the exclusive and official use of UNISFA;

9. *Notes* that the status-of-forces agreement referred to in paragraph 4 of resolution 1990 (2011) continues to apply mutatis mutandis in respect of UNISFA and demands that Sudan and South Sudan conclude immediately a Status of Forces Agreement with the Secretary-General, and provide full support to the United

Nations, including by issuing visas to military and civilian United Nations personnel without prejudice to their nationality, facilitating basing arrangements and flight clearances, and providing logistical support;

10. *Demands* that the Government of Sudan and the Government of South Sudan facilitate the deployment of the United Nations Mine Action Service as well as the identification and clearance of mines in the Abyei Area;

11. *Demands* that all parties involved provide humanitarian personnel with full, safe and unhindered access to civilians in need of assistance and all necessary facilities for their operations, in accordance with applicable international humanitarian law;

12. *Requests* the Secretary-General to ensure that effective human rights monitoring is carried out, and the results included in his reports to the Council, and calls upon the Government of Sudan and the Government of South Sudan to extend their full cooperation to the Secretary-General to this end, including by issuing visas to the concerned United Nations personnel;

13. *Requests* the Secretary-General to take the necessary measures to ensure full compliance of UNISFA with the United Nations zero-tolerance policy on sexual exploitation and abuses and to keep the Council informed if cases of such conduct occur;

14. *Stresses* that improved cooperation between the Government of Sudan and Government of South Sudan is also critical for peace, security and stability and the future relations between them;

15. *Requests* the Secretary-General to continue to inform the Council of progress in implementing UNISFA's mandate in 60 day intervals, and continue to bring to the Council's immediate attention any serious violations of the above referenced agreements;

16. *Notes* the Secretary-General's efforts to ensure close cooperation among United Nations missions in the region, including UNISFA, UNMISS and UNAMID, and requests him to continue this practice;

17. *Decides* to remain actively seized of this matter.